IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 7177 of 2007(D)

PETITIONER:

K.P. ALI,
HAFSATH MANZIL, PULLITHODIPARAMBU,
NALLALAM P.O, KOZHIKODE.

BY ADV. SRI.P.SANJAY

RESPONDENT:

THE CALICUT DEVELOPMENT AUTHORITY,
REP. BY ITS SECRETARY, AMBEDKAR BUILDING,
RAILWAY LINK ROAD, KOZHIKODE.

BY ADV.SRI.E.S.M. KABEER S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 7177/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AGREEMENT DT.7.11.06.

EXT.P2:- COPY OF THE ORDER NO.E1-121379/04 OF THE CORPORATION OF CALICUT.

EXT.P3:- COPY OF THE APPLICATION 30.3.06.

EXT.P3(a):- COPY OF THE CERTIFICATE DT.6.6.06.

E.XT.P4:- COPY OF THE RENT RECEIPT DT.6.2.07.

EXT.P4(a):- COPY OF THE LICENSE RECEIPT.

EXT.P5:- COPY OF THE LIST OF INVENTORY.

EXT.P6:- COPY OF THE APPLICATION DT.15.2.07.

/TRUE COPY/

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PIUS.C.KURIAKOSE.J

W.P.(C) No. 7177 of 2007

Dated this the 15th day of March 2007

JUDGMENT

The grievance of the petitioner who was permitted to occupy the land belonging to the respondent authority and to conduct restaurant business thereon is that ignoring clause 7 of Ext.P7 agreement, Ext.P6 application for renewal which was submitted by him in terms of Clause 7 of Ext.P1 agreement is not being favourably considered. The authority contended that the petitioner's quotation period has expired on 28-3-2007. A detailed Statement has been filed by the respondent raising various contentions and producing Ext.R1 which is copy of the quotation received from one Unnikrishnan quoting much higher rate than the rate presently paid by the petitioner for getting the leasehold rights over the property in question for the period subsequent to 21-2-2007.

(2) From the submissions made before me and the stand taken by the parties in their rival pleadings and the documents placed on record particularly Ext.P1 , P6 and R1 I am of the view that the issue should be resolved by the respondents after hearing the petitioner and Sri. Unnikrishnan and anybody else who had submitted quotations pursuant to the notification which the respondent authority claims to have issued.

Accordingly the writ petition stand disposed of issuing the following directions

(3) The respondent authority will take up Ext.P6 hear the petitioner, Sri.Unnikrishnan who submitted R1 quotation and other persons if any, who submitted quotations pursuant to the notification referred to by the respondents in its statement and take a decision. The implications of Clause 7 of Ext.P1 will be take into account by the respondent authority . The decision directed above will be taken by the authority within two months of receipt of a copy of this judgment. Till such time as the respondent takes a decision on Ext.P6 the interim order presently passed directing maintenance of status-quo as regards the stay will continue subject to the following conditions.

The petitioner discharges the entire arrears of rent for the period up to 28-2-2007 at the rate of Rs. 1,000/- per day and thereafter continue to pay at the rate of Rs. 1,500/- per day till such time a decision is taken on Ext.P6.

PIUS.C.KURIAKOSE.JUDGE

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